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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard IVC Filters Products Liability  
Litigation

No. 2:15-MD-02641-DGC

**JOINT PROPOSAL REGARDING  
MOTION HEARINGS PURSUANT  
TO CASE MANAGEMENT ORDER  
NO. 27**

(Assigned to the Honorable David G.  
Campbell)

In accordance with Paragraph B of Case Management Order No. 27 [Doc. 8113], the Parties hereby submit their Joint Proposal Regarding Motion Hearings, and the Parties respectfully submit that the pending Daubert motions, motions to disqualify experts, and motions for summary judgment be heard on the following dates:

**November 17, 2017:**

- Defendants' Motion and Memorandum in Support of Motion for Summary Judgment Regarding Preemption (Docs. 5396, 7369, and 7828<sup>1</sup>);
- Defendants' Motion and Memorandum in Support of Motion for Partial Summary Judgment of Plaintiff SherrUna Booker's Claims (Docs. 7456 and 8163);
- Defendants' Motion and Memorandum in Support of Motion to Disqualify Robert Vogelzang, M.D. and Kush Desai, M.D. as Testifying Experts; and Scott Resnick, M.D. and Robert Lewandowski, M.D. as Consulting Experts for Plaintiffs (Docs. 6678, 7029, and 7058);
- Defendants' Motion and Memorandum in Support of Motion to Disqualify Thomas Kinney, M.D. as an Expert for Plaintiffs (Docs. 5677, 5803, and 5879);
- Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.'s Motion and Incorporated Memorandum to Exclude the Opinions of David Kessler, M.D. and Memorandum of Law in Support (Docs. 7309 and 7805); and
- Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.'s Motion and Incorporated Memorandum to Exclude the Opinions of Suzanne Parisian, M.D. and Memorandum of Law in Support (Docs. 7308 and 7814).

**December 15, 2017:**

- Defendants C. R. Bard, Inc.'s and Bard Peripheral Vascular, Inc.'s Motion to

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<sup>1</sup> For each pending motion listed herein, the Parties are identifying by docket number the relevant briefs filed by the Parties as of October 13, 2017. Additional briefs, such as *Daubert* and summary judgment reply briefs may be subsequently filed by the Parties.

1 Exclude the Opinions of Thomas Kinney, M.D., Anne Christine Roberts,  
 2 M.D., and Sanjeeva Kalva, M.D. and Memorandum of Law in Support (Docs.  
 3 7296, and 7812)<sup>2</sup>;

- 4 • Defendants C. R. Bard Inc.'s and Bard Peripheral Vascular, Inc.'s Motion to  
 5 Exclude the Opinions of Derek R. Muehrcke, M.D. and Memorandum of Law  
 6 in Support (Docs. 7304 and 7813);
- 7 • Defendants C. R. Bard Inc.'s and Bard Peripheral Vascular, Inc.'s Motion to  
 8 Exclude the Opinions of Darren R. Hurst, M.D., and Supporting  
 9 Memorandum of Law (Docs. 7302 and 7811);
- 10 • Defendants C. R. Bard Inc.'s and Bard Peripheral Vascular, Inc.'s Motion to  
 11 Exclude the Opinions of Mark J. Eisenberg, M.D. and Memorandum of Law  
 12 in Support (Docs. 7291 and 7810);
- 13 • Defendants C. R. Bard Inc.'s and Bard Peripheral Vascular, Inc.'s Motion to  
 14 Exclude the Opinions of Rebecca Betensky, Ph.D. and Memorandum of Law  
 15 in Support (Docs. 7288 and 7809); and
- 16 • Plaintiffs' Motion to Exclude Opinions and Testimony of Christopher S.  
 17 Morris, M.D. (Docs. 7320 and 7800).

18 **January 19, 2017:**

- 19 • Plaintiffs' Motion to Exclude Opinions and Testimony of Clement J. Grassi,  
 20 M.D. (Docs. 7326 and 7798);
- 21 • Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.'s Motion  
 22 and Incorporated Memorandum to Exclude the Opinions of David Garcia,  
 23 M.D. and Michael Streiff, M.D. and Memorandum of Law in Support  
 24 (Docs. 7294 and 7808);

25 \_\_\_\_\_  
 26 <sup>2</sup> Should the Court grant Defendants' Motions to Disqualify Experts (Docs. 5677 and  
 27 6678), the Parties suggest that the Court hear Plaintiffs' Motion to Exclude Defense  
 28 Expert Opinions Under Fed. R. Evid. 702 Based on Their Use of the Criminal Law  
 Standard of Certainty (Docs. 7324 and 7797) instead of Defendants' Motion to Exclude  
 the Opinions of Thomas Kinney, M.D., Anne Christine Roberts, M.D., and Sanjeeva  
 Kalva (Doc. 7296).

- Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.’s Motion to Exclude the Opinions of Robert M. McMeeking, Ph.D., and Supporting Memorandum of Law (Docs. 7314 and 7806);
- Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.’s Motion to Exclude the Opinions of Robert O. Ritchie, Ph.D., and Supporting Memorandum of Law (Docs. 7316 and 7807);
- Defendants’ Motion and Memorandum in Support of Motion for Partial Summary Judgment of Plaintiffs Doris and Alfred Jones’s Claims (Docs. 7351 and 7943); and
- Plaintiffs’ Motion to Exclude Defense Expert Opinions Under Fed. R. Evid. 702 Based on Their Use of the Criminal Law Standard of Certainty (Docs. 7324 and 7797<sup>3</sup>).

RESPECTFULLY SUBMITTED this 13th day of October, 2017.

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<sup>3</sup> If not heard by the Court at the December 15, 2017, hearing.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of October 2017, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record.

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